IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.105 OF 2004

Mrs Geeta Girendra Mittal, Appellant
Vs
Mr Girendra Gopichand Mittal, Respondent
Mr Mohan A.Dharmaraj, for the appellant.
Mr V.A.Gangal i/b Mr Harhad M Deshpande, for the respondent.

CORAM : S.B.MHASE &
D.B.BHOSALE, JJ.

DATE : MARCH 3rd, 2005.

P.C.

1. Both sides Advocates are present. Appellant-wife and respondent-husband are also present. We have heard the learned counsel for the parties.

2. The dispute between the parties is settled and the Consent Terms are submitted to the Court. We have allowed to convert the instant appeal into a petition for divorce by mutual consent. The marriage is broken down long back. Keeping matter pending for the reconciliation of their differences will be of empty formality and, therefore, we are inclined to accept the consent terms which provides for dissolution of marriage by mutual consent of the parties under section 13-B of the Hindu Marriage Act, 1955. We have asked the parties as to whether they

have understood the terms and conditions of the consent terms. The parties have stated that they have understood the terms and conditions. By way of full and final settlement of the claim, an amount of Rs.3,60,000/- has been provided in the consent terms and the learned counsel for the appellant, Mr Dharmaraj, states that the appellant has received a Pay Order of the same amount. We find that the consent terms have been agreed voluntarily between the parties. We accept the Consent Terms. The Consent Terms are taken on record and marked "X" for identification. Therefore, we pass the following order:

3. The decree of divorce passed by the Family Court dated 15th May, 2004 in M.J.Petition No.A-93 of 1999 is hereby confirmed and modified in terms of the Consent Terms. The Family Court Appeal stands disposed of in terms of the Consent Terms.

. In the facts and circumstances of the case, there will be no order as to costs. Office is directed to draw a decree in terms of the Consent Terms.

. Certified copy expedited.

(D.B.BHOSALE, J.) **(S.B.MHASE, J.)**

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